

Fresno, California

April 1, 2003

The City Council met in regular session at the hour of 8:31 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

The Tartans of River Bluff Elementary School were recognized and welcomed.

Central Unified School District Superintendent Larry Powell gave the invocation, and the 3rd grade class of River Bluff Elementary School led the Pledge of Allegiance to the Flag.

PROCLAMATION OF NATIONAL TARTAN DAY - MAYOR AND CITY COUNCIL

Read and presented.

PROCLAMATION OF YADIRA BARAJAS DAY - COUNCILMEMBER DAGES

Read and presented.

INTRODUCTION OF DELEGATION FROM IZHEVSK, UDMURTIA - PRESIDENT BOYAJIAN

Introductions made.

PROCLAMATION OF NATIONAL CRIME VICTIMS' RIGHTS WEEK - ACTING PRESIDENT CASTILLO

Read and presented with Acting President Castillo inviting everyone to the unveiling of the Victim's Quilt next Monday at City Hall at 6:00 p.m.

LETTER FROM ASSEMBLY MEMBER SARAH REYES NAMING CITY ATTORNEY MONTROY WOMAN OF THE YEAR FOR THE 31ST ASSEMBLY DISTRICT IN HONOR OF WOMEN'S HISTORY MONTH - PRESIDENT BOYAJIAN

President Boyajian read the letter into the record and commended Ms. Montoy on behalf of the City.

At the request of Councilmember Duncan and President Boyajian, a moment of silence was observed for the American casualties in Iraq and for Risk Management employee Bill Griever who passed away last week.

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of March 25, 2003, approved as submitted.

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APPROVE AGENDA:

CRIPPEN FIRE - ACTING PRESIDENT CASTILLO

Acting President Castillo questioned why his item requesting an update on the issue was removed from the agenda, with Assistant City Manager Souza stating there had been a misunderstanding and he would work with the Mayor's Task Force Chairs and submit a tray memo to Council. Councilmember Sterling gave a brief update and advised a substantial report would be coming to Council in one week.

APRIL 8TH PRESENTATION BY LORETTA LYNCH, PUBLIC UTILITIES COMMISSION - COUNCILMEMBER CALHOUN

Councilmember Calhoun reminded Council of the upcoming presentation and recommended Council think about questions on energy issues and have them ready for Ms. Lynch.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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ADOPT CONSENT CALENDAR:

Councilmember Calhoun expressed concern with the number of agenda items being pulled for discussion by audience member Barbara Hunt, whereupon City Attorney Montoy recommended six minutes be allotted to Ms. Hunt to speak on all the items at 2:00 p.m. and advised a new rule relating to audience members pulling and speaking to consent calendar items would be coming forward on April 22nd for Council's consideration.

(1-G) AWARD A CONTRACT TO AMERICAN SHEET METAL OF FRESNO IN THE AMOUNT OF \$117,953 FOR HVAC IMPROVEMENTS AT TED C. WILLS COMMUNITY CENTER

(1-I) AWARD A CONTRACT TO SMITH CONSTRUCTION OF FRESNO IN THE AMOUNT OF \$102,765 TO CONSTRUCT WELL SITE IMPROVEMENTS AT PUMP STATION 161

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

CONSENT CALENDAR - BILL FOR INTRODUCTION:

(2-A) * BILL NO. B-20 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO CIVIL SERVICE BOARD REGULATIONS

On motion of Councilmember Dages, seconded by Acting President, duly carried, RESOLVED, the above entitled Bill No. B-20 introduced before the Council and laid over, by the following vote:

141-129

4/1/03

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

(9:00 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 9:21 a.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF MARCH 18, 2003

(2 - 0) On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the Agency minutes of March 18, 2003, approved as submitted.

(A) CONSIDER APPROVAL OF MATTERS RELATED TO THE PROPOSED FREEWAY 99-GOLDEN STATE BOULEVARD CORRIDOR REDEVELOPMENT PLAN

1. AGENCY RESOLUTION NO. 1622 - CONSENTING TO A JOINT HEARING WITH THE CITY COUNCIL ON THE PROPOSED REDEVELOPMENT PLAN FOR THE FREEWAY 99-GOLDEN STATE BOULEVARD CORRIDOR REDEVELOPMENT PROJECT AREA AND THE RELATED PROGRAM EIR, AND REQUESTING THE HEARING BE SET FOR MAY 20, 2003, AT 8:30 A.M.

2. COUNCIL RESOLUTION NO. 2003-77 - CONSENTING TO AND CALLING FOR A JOINT HEARING ON THE PROPOSED FREEWAY 99-GOLDEN STATE BOULEVARD CORRIDOR REDEVELOPMENT PLAN AND RELATED PROGRAM EIR ON MAY 20, 2003, AT 8:30 A.M.

3. AGENCY RESOLUTION NO. 1623 - ADOPTING RULES GOVERNING PARTICIPATION BY PROPERTY OWNERS AND THE EXTENSION OF REASONABLE PREFERENCES TO BUSINESS OCCUPANTS IN THE FREEWAY 99-GOLDEN STATE BOULEVARD CORRIDOR REDEVELOPMENT PROJECT

4. AGENCY RESOLUTION NO. 1624 - ADOPTING THE METHOD OR PLAN OF RELOCATION FOR THE FREEWAY 99-GOLDEN STATE BOULEVARD CORRIDOR REDEVELOPMENT PROJECT

Acting President Castillo noted he requested a copy of the MOU with the Fresno Unified School District which was not a part of the packet and questioned when it could be expected and if tray memos were considered part of the official record, with Director Fitzpatrick and City Attorney Montoy responding.

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted, and Mr. Fitzpatrick spoke to the rigorous set of public hearings that would be held on the plan.

Speaking to the issue were: Kathy Omachi, 759 "F" Street, Reedley, Chinatown Revitalization Committee Member, who suggested several meetings be held for the community prior to proceeding with the plan adoption process; Dallas Debatin, 109 N. Glenn, who stated he had concerns and requested proceedings not move forward until the entire plan is in writing; and Barbara Hunt, 2475 S. Walnut, who concurred with the prior speakers and spoke to other issues including opposition to eminent domain and the related Program EIR.

Mr. Fitzpatrick responded to concerns expressed stating a process was currently underway on the full plan and any changes to it would have to be made through the public hearing process and explained. Upon question of Chair Duncan, Mr. Fitzpatrick stated it would be appropriate to have district meetings between now and May 20th with those council members whose districts are included in the project area if they wish to have one. Chair Duncan stated this was the beginning of a process and there would be plenty of opportunity for community input, and Councilmember Calhoun stated extensive notification would be occurring and he was very supportive of the process adding it was very up-front and commended staff. A motion and second was made to approve staff's recommendation. Acting President Castillo briefly left the meeting at 9:39 a.m. Councilmember Sterling spoke briefly to the meetings that would be held in her district stating District 3 would be well represented.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Agency Resolution Nos. 1622, 1623, 1624, and Council Resolution No. 203-77 hereby adopted, by the following vote:

141-130

4/1/03

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
Noes : None
Absent : Castillo

The joint bodies adjourned their meeting at 9:40 a.m. and the City Council reconvened in regular session. Acting President Castillo returned to the meeting at 9:41 a.m.

(3-A) RESOLUTION NO. 2003-78 - CONTINUING RES. 2002-78 PROVIDING SALARY AND BENEFIT DIFFERENTIAL PAYMENT FOR CITY EMPLOYEES WHO HAVE BEEN CALLED TO ACTIVE DUTY AS A RESULT OF OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM

Assistant City Manager Souza gave a brief overview of the issue as contained in the staff report as submitted, and a motion and second was made to adopt the resolution.

Barbara Hunt, 2475 S. Walnut, spoke in support.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2003-78 hereby adopted, by the following vote;

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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**(3-B) EMERGENCY BILL FOR INTRODUCTION AND ADOPTION (REGULATING SKATE BOARD PARKS)
1. BILL NO. B-21 - ORDINANCE NO. 2003-20 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO THE REGULATION OF CITY SKATE BOARD PARKS**

Acting Parks & Recreation Director Haynes reviewed the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Mr. Haynes, City Attorney Montoy and Assistant city Manager Souza responded to questions and comments of Councilmember Calhoun relative to whether this ordinance would apply to any other city parks, concern with the City getting into the business of requiring things (i.e., helmets) and foisting something on people they are not aware of, how issues such as not wearing helmets on public sidewalks once people leave the park would be dealt with, the success of Santa Barbara's skate parks and if other cities' regulations were looked at, and what had occurred now to constitute an emergency.

Relative to Page 4, Subsection (j), "Appeals", City Attorney Montoy clarified appeals to the hearing officer would be applicable only to administrative fines and penalties and recommended adding the word "*administrative*" before "fines and penalties" and that it be made part of the motion.

President Boyajian clarified when the skate park was opened the City really did not really have a plan but wanted to see where it would go, noted things have now changed tremendously with liability and vendor issues, stated he was very impressed with how the skate park was being run now and issues were still being discussed and it was an on-going process, stated staff was very dedicated and commended them, and presented questions relative to Page 2, Subsections (b) and (c), people and food and beverages prohibited from being in specific areas of the skate park, with Mr. Haynes responding.

On motion of President Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Emergency Bill No. B-21 adopted as Ordinance No. 2003-20, *with the addition to Section 8-404(j) as verbalized by the City Attorney*, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(3-C) CONSIDER APPROVAL OF A SUBRECIPIENT AGREEMENT BETWEEN THE HOUSING AUTHORITIES OF THE CITY AND COUNTY OF FRESNO AND THE CITY OF FRESNO FOR A HOUSING REHABILITATION PROGRAM FOR A CONTRACT AMOUNT OF \$1.4 MILLION OF HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS (SUBJECT TO CITY ATTORNEY FINAL APPROVAL)

Housing Director Hussman reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were Ned Stacy, Executive Director, Housing Authority, who spoke in support of the program citing the need for a "one stop shop"; and Barbara Hunt, 2475 S. Walnut **(3 - 0)**.

City Attorney Montoy confirmed Mr. Stacy's statement that the agreement still needed "tweaking" and as noted above was subject to her office's approval, and requested Council direction on whether to specifically designate target areas. Councilmember Duncan stated he felt there should be target areas, spoke in support of the issue stating the payoff would be enormous and the funds would be leveraged to maximum capacity, commended President Boyajian and the housing task force for bringing this issue forward, and made a motion to approve staff's recommendation.

Councilmember Calhoun expressed several concerns with the issue including the recently approved \$800K and now \$1.4 million, the reorganization of staff, why the planning and development department was supervising the housing division, questioned what was happening with the housing division and what was going to happen with city staff with all these funds being removed, stated the issue needed to be looked at in more detail and suggested a workshop on housing be held with the Housing Authority, and made a motion to table the issue and schedule a workshop. Upon call, the motion died for lack of a second. Councilmember Calhoun responded briefly to questions of Acting President Castillo relative to what Councilmember Calhoun's reason was for wanting to table the matter and what his specific questions and concerns were.

Discussion ensued with President Boyajian, Councilmember Sterling and Councilmember Perea speaking in strong support of the issue, and City Manager Hobbs addressing Councilmember Calhoun's concerns and clarifying the interim reporting relationships and speaking to the reorganization of HECD that staff would be proposing for FY 04.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the City Manager authorized to execute a Subrecipient Agreement between the Housing Authorities of the City and County of Fresno and the City of Fresno, subject to approval by the City Attorney, with the term of the agreement being May 1, 2003, through June 30, 2004, by the following vote:

Ayes :	Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes :	Calhoun
Absent :	None

Councilmember Duncan noted in discussing the housing policy the past two years it had been the general consensus of Council that the best return was to target specific areas and maximize resources to get the job done and move on to another neighborhood, stated this approach has been applied in many ways and has been very effective, and made a motion to include a targeted approach, which motion was seconded and subsequently amended.

Mr. Hussman clarified the HOME program was not a block grant program and that HOME regulations required the funds to be reasonably distributed city-wide; advised in the contract was a recommendation to spend 80% of the money in targeted areas and 20% outside; and clarified everyone who applied for funds had to be treated equally and stated the 80/20 formula reflected the City's current practice and would meet the current objectives/performance of the programs, whereupon Councilmember Duncan amended his motion to utilize the target area approach consistent with HUD regulations. Mr. Stacy added it was his understanding HOME regulations allowed Council to define what every they wanted as their target areas, i.e., redevelopment areas and/or redevelopment plus adjacent areas adding that would make the program consistent with the RDA's. Councilmember Calhoun stated ad hoc decision making was occurring from the dais and he was not sure of the implications, and stated he would not support the motion.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the target approach consistent with HUD regulations to be utilized, by the following vote:

	141-132	4/1/03
Ayes :	Castillo, Dages, Duncan, Perea, Sterling, Boyajian	
Noes :	Calhoun	
Absent :	None	

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(10:00 A.M.) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 44, TRACT NO. 5071

1. RESOLUTION NO. 2003-79 - ANNEXING TERRITORY TO CFD NO. 2, AND AUTHORIZE THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2003-80 - CALLING SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2003-81 - DECLARING ELECTION RESULTS

4. * BILL NO. B-22 - ORDINANCE NO. 2003-21 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS

President Boyajian announced the time had arrived to consider the issue and opened the hearing, and a motion and second was made to approve staff's recommendation.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-79, 2003-80 and 2003-81 hereby adopted, the above entitled Bill No. B-22 adopted as Ordinance No. 2003-21, by the following vote:

Ayes :	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes :	None
Absent :	None

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(10:05 A.M.) HEARING ON REZONING APPLICATION NO. R-02-44 AND ENVIRONMENTAL FINDINGS, FILED BY JOHN ASHLEY, PROPERTY LOCATED ON THE EAST SIDE OF N. MARTY BETWEEN W. SAN JOSE AND W. SHAW AVENUES

1. CONSIDER AND ADOPT FINDING OF CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. R-02-44

2. BILL NO. B-23 - ORDINANCE NO. 2003-22 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-P/UGM/cz TO C-P/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Allinder advised the staff report as submitted was complete and that no inquiries had been received based on the public noticing.

Dirk Poeschel, representing the applicant, stated there was no opposition when the matter was heard by the Planning Commission and added the home owners' association and Bullard Implementation Committee supported the project.

Councilmember Calhoun stated this was a number one project which would address the needs of seniors, and made a motion to approve staff's recommendation.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the Categorical Exemption for Environmental Assessment no. R-02-044/C-02-292, dated February 27, 2003, hereby approved; and the above entitled Bill No. B-23 rezoning the subject site adopted as Ordinance No. 2003-22, by the following vote:

Ayes :	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes :	None
Absent :	None

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141-133

4/1/03

(10:15 A.M.) TEFRA HEARING AS REQUIRED BY SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986 RELATING TO THE PROPOSED ISSUANCE OF REVENUE BONDS BY THE INDEPENDENT CITIES LEASING FINANCE AUTHORITY TO PROVIDE FINANCING FOR A MOBILE HOME PARK PROJECT (WESTLAKE PARK)

1. RESOLUTION NO. 2003-82 - APPROVING THE ISSUANCE OF MOBILE HOME PARK REVENUE BONDS SERIES 2003 BY INDEPENDENT CITIES LEASE FINANCE AUTHORITY

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Assistant Controller Bradley reviewed the issue as contained in the staff report as submitted, and corrected the name of the borrower to Millennium Housing of California and noted the resolution had been corrected.

Speaking to the issue and/or in support were: Barbara Hunt, 2475 S. Walnut; Marge Hinckly, San Joaquin Gardens, 788 E. Barstow; and George Turk, President of Millennium, who spoke to the good levels of reserves in this project.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Mr. Turk responded to questions and comments of Acting President Castillo relative to Millennium's employees and salaries, what employee bonuses were based on, Millennium's quality work and interest in talking with Millennium about some mobile home parks in District 4, bond issuance how long funds are disbursed for on-going repairs, process for purchase of property with multiple owners, and how negligent property owners are enticed to sell their lots.

On motion of Acting President Castillo, seconded by President Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2003-82 hereby adopted, by the following vote:

Ayes :	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes :	None
Absent :	None

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(10:45 A.M.) CONTINUED HEARING ON REZONING APPLICATION NO. R-02-26, AND ENVIRONMENTAL FINDINGS, FILED BY CAMBRIDGE HOMES, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF N. CHESTNUT AND E. SHEPHERD AVENUES

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-02-26, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130

2. BILL NO. B-24 - ORDINANCE NO. 2003-23 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-1/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Councilmember Duncan stated this was a good in-fill project, **(4 - 0)** it was consistent with the 2025 General Plan, was supported by the neighborhood committees, and most importantly would result in an extra lane on Shepherd which was badly needed, and made a motion to approve staff's recommendation. Planning Manager Haro added the associated tentative tract map was approved by the planning commission and would be perfected as a single-family subdivision, and stated that the project would mirror the project to the south also built by Cambridge Homes.

Barbara Hunt, 2475 S. Walnut, spoke to the issue expressing various concerns.

Upon call, no one else wished to be heard and President Boyajian closed the hearing. Acting President Castillo left the meeting at 10:59 a.m. and returned after recess.

Mr. Haro responded briefly to questions of President Boyajian relative to the neighborhood park and if the developer would be contributing financially to it.

On motion of Councilmember Duncan, seconded by Acting President Castillo, duly carried, RESOLVED, the Environmental Finding of Environmental Assessment no. R-02-26/T-5102 that the project proposal conforms to the provision of the 2025 Fresno General Plan Master EIR No. 10130, dated February 26, 2002, hereby approved, and the above entitled Bill No. B-24 rezoning the subject property adopted as Ordinance No. 2003-23, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : Castillo

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RECESS - 11:00 A.M. - 11:22 A.M.

(4-A) REPORT AND REQUEST FOR DIRECTION ON CAMPAIGN CONTRIBUTION LAWS

1. * BILL NO. B-25 - REPEALING ARTICLE 22 OF CHAPTER 2 OF THE FRESNO MUNICIPAL CODE RELATING TO CAMPAIGN CONTRIBUTION LIMITS FOR CANDIDATES FOR ELECTIVE OFFICE

City Attorney Montoy reviewed the issue as contained in the staff report as submitted; noted this was a very complex issue but was not time sensitive; stated today's consideration could be used as a study session and action could be taken after further review or action/direction could be taken/given this date; clarified the issue needed to be dealt with and the laws needed to be either updated or repealed; and noted the three options available to Council were set forth in her report.

Barbara Hunt, 2475 S. Walnut, spoke in support of restrictions/limits.

Councilmember Duncan commended Ms. Montoy on her thorough report; spoke to the election cycle issue and advised next week he and President Boyajian would be meeting with County and school board officials to discuss the issue and see if there is a better way of doing thing; stated running for a city office should not be based on a person's credit rating or Visa credit line; stated he strongly felt a new ordinance, full disclosure, and internet access to post late contributions (the 48 hour law) was needed and elaborated; and made a motion to repeal the ordinance and direct staff to return with a new ordinance with direction that will be given this date. Ms. Montoy clarified Councilmember Duncan's motion was Option 2.

Councilmember Calhoun agreed the existing ordinance needed to be repealed; stated he would not support eliminating the voluntary expenditure ceiling stating it made sense; and spoke in support of Option 3 and made a motion to approve Option 3 and retain the voluntary expenditure ceiling.

Acting President Castillo spoke in support, and made a motion, to approve Option 1; recommended the enforcement agency by the Fair Political Practices Commission (FPPC); stated reporting and disclosure of expenditures was important for the public and spoke in support of Councilmember Duncan's idea for a website to report expenditures/contributions as quickly as possible; spoke to the reporting timeframe and questioned what Fresno County's was (with Ms. Montoy advising Fresno County did not have its own legislation so their officials were subject to State law); spoke in support of City abiding by the same rules as the Board of Supervisors or other elected officials throughout the area to simply things; and clarified his motion was for Option 1 (repealing contribution & expenditure limits), designating the FPPC as the enforcement agency, and that Council abide by the same rules as the County and other area entities. Ms. Montoy clarified an ordinance bill repealing the current ordinance was already in Council's packet and could be introduced this date; stated an ordinance repealing the voluntary expenditure ceiling could be brought back next week; and relative to the enforcement authority stated without local laws there was no need to ask the FPPC to do anything.

Councilmember Dages stated he supported Option 2, the District Authority should be the enforcement authority, he supported full, up-front disclosure no matter what money is used for what campaign; advised he had no problem with the current limits but was open to change and did not agree with \$1,000 straight across the board; presented questions relative to not filing on time and penalties (with Ms. Montoy responding), and stated he supported a penalty for non full disclosure and seconded Councilmember Duncan's motion for Option 2.

Councilmember Sterling stated she had an excellent campaign managing staff but the process is very difficult the first time out without having someone who knows the rules; agreed with comments on the need to make some changes but did not yet know how drastic or liberal those changes should be; stated she supported giving direction to staff to further investigate and report back to so she could study the issue further; questioned if the long primary time period of March to November was going to be looked at in the meeting with Fresno County and the school board and spoke to the 24-hour reporting time period (with Councilmember Duncan responding); and spoke to how being disciplined, consistent, and doing the right thing showed the type

of official someone would be.

Councilmember Perea stated he supported Option 2 at this time, and stressed the importance of contribution limits to insure the common man can run and allow for an equal playing field. President Boyajian spoke in support of limitations so certain vested individuals or interests do not have an influence on council votes.

Upon question, Ms. Montoy clarified *by approving Option 2 Council would introduce the ordinance in the packet repealing the current ordinance and be directed to include in the new ordinance features such as limitations comparable to the current one, refine/update language, keep disclosure requirements and look reporting time and how far it can go, include penalties for non-disclosing, and work with the DA's office on being the enforcement authority, and clarified when the new ordinance comes brought back in four to six weeks it can be discussed and refined further. Ms. Montoy and Councilmember Dages responded to questions of Acting President Castillo relative to whether staff ever talked with the DA on being the enforcement authority and what their role would be, if there was a cost to the City when the FPPC conducts investigations, need to make clear there would be a price tag if the DA becomes the enforcement authority, **(5 - 0)** and if the current motion on the floor included allowing the DA to be the enforcement authority. Ms. Montoy and Councilmember Dages clarified the motion was to look into the DA becoming the enforcement authority, with Acting President Castillo requesting Ms. Montoy report back on the pros and cons of the DA being the enforcement authority versus others.

President Boyajian seconded Councilmember Calhoun's motion for Option 3 and brief discussion ensued with Ms. Montoy responding to questions and comments of Councilmember Perea relative to whether each council member and the mayor could be asked for their input on options/features before reporting back with the new ordinance, request to return with something consistent with other valley cities, and if staff looked at other Fresno county cities' regulations besides Bakersfield, Stockton, Clovis and Fresno County.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, Option 2 hereby approved, the above entitled Bill No. B-25 introduced before the Council and laid over, and staff to report back with a new ordinance in accord with direction given and as *as clarified above by the City Attorney, by the following vote:

Ayes : Castillo, Dages, Duncan, Perea, Sterling
Noes : Calhoun, Boyajian
Absent : None

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LUNCH RECESS - 12:12 P.M. - 2:01 P.M. Councilmember Sterling arrived shortly into the proceedings.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR ITEMS:

(1-A)* RESOLUTION NO. 2003-83 - 76TH AMENDMENT TO AAR 2002-216 APPROPRIATING \$20,000 OF MISCELLANEOUS REVENUE FROM THE DISPOSITION OF REAL PROPERTY TO PAY FOR WEED ABATEMENT AND OTHER ONGOING COSTS

Councilmember Duncan advised his questions has been answered by staff, and Assistant City Manager Souza responded briefly to questions of Acting President Castillo relative to maintenance of the downtown stadium lots.

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2003-83 hereby adopted, by the following vote:

141-136

4/1/03

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Boyajian
Noes : None
Absent : Sterling

(1-B) APPROVE ACQUISITION OF STREET EASEMENT NECESSARY FOR THE NEW LANDFILL REGIONAL PARK AND SPORTS COMPLEX AT JENSEN AND WEST AVENUES, APN 328-040-28 FROM SANDRA TAVARES; APPROVE THE

CONVEYANCE OF THE NORTH 30 FEET OF APN 328-050-30T FROM THE CITY TO SANDRA TAVARES; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS PERTAINING THERETO **(ADOPTED FOLLOWING CITIZEN COMMENTS)**

(1-D) GRANTING M & D CONSTRUCTION OF DINUBA RELIEF FROM THEIR BID DUE TO AN INADVERTENT CLERICAL ERROR; DECLARE THE NON-SUBMITTAL OF THE SIGNED REPORT STATING THERE WERE NO CONFLICTS AND ERRORS IN CONTRACT DOCUMENTS BY MAULDIN-DORFMEIER CONSTRUCTION A MINOR IRREGULARITY; AND AWARD A CONTRACT TO MAULDIN-DORFMEIER CONSTRUCTION, INC., IN THE AMOUNT OF \$198,969, FOR THE INSTALLATION OF DOWNTOWN PARKING LOT BOOTHS **(ADOPTED FOLLOWING CITIZEN COMMENTS)**

(1-E) AWARD A CONTRACT TO SPINIELLO COMPANIES OF MORRISTOWN, NEW JERSEY, FOR REHABILITATION OF WASTEWATER COLLECTION SYSTEM BY METHOD OF CURED-IN-PLACE-PIPE (CIPP) IN W. CHURCH AVENUE FROM S. WALNUT TO S. MARKS AVENUES **(ADOPTED LATER)**

(1-H) AWARD A CONTRACT TO MAULDIN-DORFMEIER CONSTRUCTION, INC., TO CONSTRUCT WELL SITE IMPROVEMENTS AT PUMP STATION 69A **(ADOPTED LATER)**

(1-J) APPROVE AMENDMENT NO. 5 TO THE AGREEMENT WITH ERM WEST, INC, FOR PROFESSIONAL ENGINEERING AND RELATED ENVIRONMENTAL SUPPORT SERVICES FOR ONGOING CONTAMINATION INVESTIGATION AND INTERIM ACTION AT OLD HAMMER FIELD/FRESNO YOSEMITE INTERNATIONAL AIRPORT CONSISTENT WITH AN AGREEMENT BETWEEN THE POTENTIALLY RESPONSIBLE PARTIES (PRP's) **(ADOPTED LATER)**

(1-K) * RESOLUTION - 77TH AMENDMENT TO AAR 02-216 APPROPRIATING \$911,100 FOR ADDITIONAL APPROPRIATION FOR THE WORKERS' COMPENSATION FUND **(ADOPTED LATER)**

(1-L) APPROVE APPOINTMENT OF ACTING PRESIDENT CASTILLO AND COUNCILMEMBER DUNCAN TO A FRESNO CITY COUNCIL/COUNTY OF MADERA AGENDA PLANNING COMMITTEE - PRESIDENT BOYAJIAN **(ADOPTED FOLLOWING CITIZEN COMMENTS)**

(1-M) RESOLUTION - CONTINUING RES. 2003-66 PROCLAIMING A LOCAL EMERGENCY RELATING TO THE FIRE AT ARCHIE CRIPPEN EXCAVATION IN THE VICINITY OF PARKS AND NEILSEN AVENUES **(ADOPTED FOLLOWING CITIZEN COMMENTS)**

Councilmember Sterling arrived at 2:04 p.m. Barbara Hunt, 2475 S. Walnut, spoke in opposition to Items 1-B and 1-D; expressed concern with directional street designations/boundaries on 1-E; questioned why Mauldin-Dorfmeier was awarded so many projects on 1-H; questioned how the name Old Hammer Field/Fresno Yosemite International came to be on item 1-J; spoke in support of 1-K; questioned what the City of Fresno had to do with Madera County on 1-L; and expressed concerns with the fire relative to 1-M.

Gloria Torrez, no address given, spoke in opposition to 1-D stating the funds should go to public transportation; and relative to 1-K expressed concern with dollars being taken from transit, CDBG and neighborhoods, questioned why the funding was not planned for, and stated the money was going to employees' retirements.

(1-B) APPROVE ACQUISITION OF STREET EASEMENT NECESSARY FOR THE NEW LANDFILL REGIONAL PARK AND SPORTS COMPLEX AT JENSEN AND WEST AVENUES, APN 328-040-28 FROM SANDRA TAVARES; APPROVE THE CONVEYANCE OF THE NORTH 30 FEET OF APN 328-050-30T FROM THE CITY TO SANDRA TAVARES; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS PERTAINING THERETO

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(1-C) APPROVE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE FOR PARCEL MAP NO. 90-20; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE STATEMENT OF COVENANTS ON BEHALF OF THE CITY

(1-D) GRANTING M & D CONSTRUCTION OF DINUBA RELIEF FROM THEIR BID DUE TO AN INADVERTENT CLERICAL ERROR; DECLARE THE NON-SUBMITTAL OF THE SIGNED REPORT STATING THERE WERE NO CONFLICTS AND

ERRORS IN CONTRACT DOCUMENTS BY MAULDIN-DORFMEIER CONSTRUCTION A MINOR IRREGULARITY; AND AWARD A CONTRACT TO MAULDIN-DORFMEIER CONSTRUCTION, INC., IN THE AMOUNT OF \$198,969, FOR THE INSTALLATION OF DOWNTOWN PARKING LOT BOOTHS

(1-L) APPROVE APPOINTMENT OF ACTING PRESIDENT CASTILLO AND COUNCILMEMBER DUNCAN TO A FRESNO CITY COUNCIL/COUNTY OF MADERA AGENDA PLANNING COMMITTEE - PRESIDENT BOYAJIAN

(1-M) RESOLUTION NO. 2003-84 - CONTINUING RES. 2003-66 PROCLAIMING A LOCAL EMERGENCY RELATING TO THE FIRE AT ARCHIE CRIPPEN EXCAVATION IN THE VICINITY OF PARKS AND NEILSEN AVENUES

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled contested Consent Calendar Items **1-B, 1-C, 1-D, 1-L** and **1-M** hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

(1-J) APPROVE AMENDMENT NO. 5 TO THE AGREEMENT WITH ERM WEST, INC, FOR PROFESSIONAL ENGINEERING AND RELATED ENVIRONMENTAL SUPPORT SERVICES FOR ONGOING CONTAMINATION INVESTIGATION AND INTERIM ACTION AT OLD HAMMER FIELD / FRESNO YOSEMITE INTERNATIONAL AIRPORT CONSISTENT WITH AN AGREEMENT BETWEEN THE POTENTIALLY RESPONSIBLE PARTIES (PRP's) **(Continued from earlier)**

Public Utilities Director McIntyre, an unidentified staff member, Councilmember Duncan, City Attorney Montoy, City Manager Hobbs, Assistant City Manager Souza and Assistant City Attorney Avila responded to questions of Acting President Castillo at length and/or clarified issues relative to the funding source, how the Redevelopment Agency became a Potentially Responsible Party (PRP), how funds could be redirected into a business park in the area, how long the agreement between the Airport and the Agency has existed, desire to redirect funds instead of continuing to sink them into a "black hole", request for information on the history of the money and how funds can be used, the clean-up term and agreement, desire to see economic development in the area and diversify FATRA funds, if the clean up was originally the responsibility of the City, and what percentage of the City's share the Agency has been responsible for.

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, Amendment No. 5 to the existing agreement with ERMWest, Inc. (as approved by the City Attorney as to form) hereby approved to timely meet environmental work obligations agreed upon with the State of California regarding Old Hammer Field / Fresno Yosemite International Airport, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

(1-K) * RESOLUTION NO. 2003-85- 77TH AMENDMENT TO AAR 02-216 APPROPRIATING \$911,100 OF ADDITIONAL APPROPRIATION FOR THE WORKERS' COMPENSATION FUND **(Continued from earlier)**

Councilmember Duncan expressed concern with the requested appropriation amount stating the portion coming out of the general fund could have gone to improving fire stations, and along with Councilmember Perea and President Boyajian presented questions relative to what the other funding source(s) would be, why such an enormous amount was being needed, if the amount of claims were increasing, current number of city employees, what projects would be impacted/what would not happen by appropriating these funds, Workers Compensation being an issue all over and need to deal with it, why the \$7.2

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million allocated was not enough, if the increase was due to medical costs, where specifically in the general fund the \$465K would come from, if budgeting \$7.2 million was consistent with other cities, if funds would come from solely from general fund departments including the fire and police departments, if any services would be impacted, and if other insurance companies were looked at/compared to, with Risk/Safety Manager Turner and Budget Analyst Smith responding.

Upon the request of City Manager Hobbs, Mr. Turner advised the measures being taken to control the program included eliminating unsafe conditions, more inspections/training sessions, review of medical cost containment strategies, continued

emphasis to return to light duty , and **(6 - 0)** exploratory incentive programs, with Mr. Hobbs adding the formula itself also provided a disincentive for the employee to come back to work. A motion and second was made to approve staff's recommendation.

Alex Correa, representing FCEA, spoke to the issue stating injured employees were not the cause of this and being safe at the work place was the answer - - not reducing employee benefits. Councilmember Duncan briefly responded clarifying no one was saying it was employees' fault.

On motion of President Boyajian, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No, 2003-85 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

(1-E) AWARD A CONTRACT TO SPINIELLO COMPANIES OF MORRISTOWN, NEW JERSEY, FOR REHABILITATION OF WASTEWATER COLLECTION SYSTEM BY METHOD OF CURED-IN-PLACE-PIPE (CIPP) IN W. CHURCH AVENUE FROM S. WALNUT TO S. MARKS AVENUES **(Continued from earlier)**

President Boyajian questioned how conflicts/errors in contract documents could be determined if the signed report was not submitted, with Purchasing Manager Taggart responding and clarifying issues and advising all documents had been received for the following item **1-F**. President Boyajian made a motion, as recommended by Ms. Taggart, to continue the matter one week so staff could confirm that all documents had been received, and brief discussion ensued on moving forward and awarding the contract or awarding it subject to receipt of all documents.

On motion of President Boyajian, seconded by Acting President Castillo, duly carried, RESOLVED, the non-submittal of the signed report stating there were no conflicts and errors in contract documents by Spiniello Companies subcontractors declared a minor irregularity; and a contract in the amount of \$2,396,125 for rehabilitation of wastewater collection system by method of cured-in-place-pipe (CIPP) in W. Church Avenue from S. Walnut to S. Marks hereby awarded to Spiniello Companies of Morristown, New Jersey, subject to receipt of all necessary documents, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

(1-F) AWARD A CONTRACT TO KELLY CONSTRUCTION OF CLOVIS FOR INSTALLATION OF AN 8-INCH WATER MAIN IN W. BARSTOW AND N. FRUIT AVENUES *(Briefly discussed in the preceding item)*

On motion of President Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the late submittal of the signed report stating there were no conflicts and errors in contract documents by Kelly Construction declared a minor irregularity; and a contract hereby awarded to Kelly Construction of Clovis, CA, in the amount of \$55,554 for construction of an 8" water main in W. Barstow and N. Fruit Avenues, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(1-H) AWARD A CONTRACT TO MAULDIN-DORFMEIER CONSTRUCTION, INC., TO CONSTRUCT WELL SITE IMPROVEMENTS AT PUMP STATION 69A **(Continued from earlier)**

Upon question of President Boyajian, Purchasing Manager Taggart stated a staff error had occurred, confirmed the subject site was not in a UGM area, and clarified the project would be funded out of the Water Capital Fund.

On motion of President Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, a contract hereby awarded to Mauldin-Dorfmeier Construction, Inc., of Fresno in the amount of \$95,889 to construct well site improvements at Pump Station 69A, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(2:00 P.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

1. AMALGAMATED TRANSIT UNION (ATU) UNIT 06
2. FRESNO CITY EMPLOYEES ASSOCIATION (FCEA)

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: STATIONARY ENGINEERS LOCAL 39 V. ROSALEEN RANDALL, RANDALL & ASSOCIATES, ET AL., CASE NO. CIV F-20-5858 REC LJO

The City Council met in closed session in Room 2125 at the hour of 3:00 p.m. to consider the above issues and reconvened in regular open session at 4:19 p.m.

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(3:30 P.M.) SCHEDULED ORAL COMMUNICATION: DISCUSSION REGARDING A RESOLUTION FOR A PEACEFUL SOLUTION TO THE INTERNATIONAL DISPUTE WITH IRAQ

President Boyajian and City Attorney Montoy gave a brief overview of the issue and advised 24 minutes for each side had been agreed to.

Speaking against the war, in support of Peace Fresno's resolution, and/or requesting Council take a stand were: Byron Diel, 1312 N. College, who also spoke to things that the money being spent on the war could be channeled into; Camille Russell, President, Peace Fresno; Valta Pointer; Fresno Center for Non-Violence; Nancy Knight, Concerned Citizens, 36795 Orange Grove, Madera; Ellie Bluestein, Women's International League for Peace and Freedom; Rebecca Rangel, 130 E. Harvard; Vincent Lavery, 3555 W. Bullard; Jim Grant, 4586 E. Weldon, Diocese of Fresno, who played a videotape of Bishop John T. Steinbeck's editorial on the war; and Dan Rhodes, address unintelligible **(7 - 0)**.

John Waara, 4645 N. Fourth Street, spoke in support of the war stating it was just, and requested Council not approve Peace Fresno's resolution stating it would not be a responsible action and was not timely as troops were already in battle.

Upon question of President Boyajian, Ms. Montoy stated the issue was scheduled as an appearance this date for discussion due to the confusion two weeks ago, clarified Peace Fresno was requesting Council support a resolution in opposition to the war, and stated Council could direct that an item to that effect be placed on a future agenda for action.

Barbara Hunt, 2475 S. Walnut, spoke both for and against the war.

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Councilmember Sterling pointed one letter from the Bishop was reflective of both sides as he was asking that we pray for those who support the war and those who are protesting the war, and to pray that the rhetoric on both sides would end. With that noted Councilmember Sterling said all she could say was "Peace be with you". President Boyajian spoke briefly concurring with Mr. Waara that everyone had personal beliefs, stated Council was a non-partisan body and the majority felt this was a national issue, and stated everyone supported our troops. There was no further discussion.

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(5-A) DIRECT CITY MANAGER TO LOOK INTO PURCHASING THE AVAILABLE TROLLEY FROM GOLDEN EAGLE COMPANY FOR THE CITY OF FRESNO - COUNCILMEMBER DAGES

Reviewed by Councilmember Dages who spoke in support of the purchasing the trolley for the reasons listed in his written material as submitted, and made a motion to direct staff to look into the purchase.

Gloria Torrez spoke in opposition stating FAX money belonged to the citizens and better public transportation was needed. Barbara Hunt, 2475 S. Walnut, spoke in support.

Councilmember Calhoun stated he felt the issue should be considered and discussed during budget to see how it fits into the scheme of things. Councilmember Duncan stated this was creative thinking but agreed with Councilmember Calhoun that the timing was not right and this needed to be considered during budget, and spoke to the need for the transit manager to review and report back on the issue and to the amount of money that will need to be found within transit to pay for the workers compensation problem. President Boyajian spoke in support stating revenues could be found and there were ways to even reduce the purchase price such as advertising. Assistant City Manager Souza requested staff be given flexibility, if Council decides to move forward, to look at multiple funding sources and not just transit dollars citing tremendous federal requirements.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the City Manager directed to look into purchasing the available trolley from Golden Eagle Company for the City of Fresno, by the following vote:

Ayes : Castillo, Dages, Sterling, Boyajian
Noes : Calhoun, Duncan, Perea
Absent : None

Brief discussion ensued. Acting President Castillo stated he hoped the price could be negotiated down; City Manager Hobbs stated the capital cost was a minor consideration and the real issue would be the labor cost of \$40,000 to \$50,000 a year and where it would come from; City Attorney Montoy responded to questions of Councilmember Duncan on when the item becomes vetoable; and President Boyajian spoke further to the opportunity to engage in advertising stating the Tower District would love it and he would discuss the issue with them.

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(5-B) DIRECT CITY MANAGER TO PREPARE NECESSARY AMENDMENT TO THE SALARY RESOLUTION REDUCING THE INJURY PAY PERCENTAGE PAID UNDER WORKERS COMPENSATION TO NON-BARGAINING UNIT EMPLOYEES AND MANAGEMENT CONSISTENT WITH STATE LAW PERCENTAGE OF 66 & 2/3% AND TO FACILITATE THE OPPORTUNITY FOR AFFECTED EMPLOYEES TO PURCHASE THEIR OWN PRIVATE SUPPLEMENTAL POLICY - COUNCILMEMBER DUNCAN

Briefly reviewed by Councilmember Duncan who stated everything in his memo was pretty clear, and made a motion to approve direction as outlined above.

Speaking in opposition were: Barbara Hunt, 2475 S. Walnut; and Gloria Torrez.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the City Manager directed to prepare the necessary amendment to the Salary Resolution reducing the injury pay percentage paid under Workers Compensation to non-bargaining unit employees and management consistent with State law 66 and 2/3%, and to facilitate the opportunity for affected employees to purchase their own private supplemental policy, by the following vote:

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Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(5-C) ESTABLISHMENT OF THE FY 2004 COUNCIL BUDGET COMMITTEE FOR THE APRIL 1 - JULY 31, 2003, TIME PERIOD - PRESIDENT BOYAJIAN

1. APPROVE APPOINTMENT OF THREE MEMBERS TO THE COUNCIL BUDGET COMMITTEE

President Boyajian stated the budget was the City Council's budget and with the upcoming budget he felt it was important to have a budget committee to work with the Mayor and the budget office; and advised he appointed some members and he felt it was appropriate to have a Council vote on his appointments. Upon question of Councilmember Calhoun, President Boyajian advised he appointed Councilmembers Dages and Perea.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Councilmember Duncan stated the budget was the people's budget, not Council's; stated his concern with the budget committee when he served last year was that a process occurs behind closed doors and spoke to attitudes and the process being not proper and explained; and made a motion to establish the Council Budget Committee and that all meetings be public in Meeting Room A with a published agenda. Councilmember Calhoun stated the Charter tasked the Mayor with bringing the budget forward and said nothing about a council committee or council negotiating during the process; stated the budget does not become Council's until it is submitted to Council through staff; stated the budget committee and meetings had been a "fiasco" the last two years with the wasted time and hard feelings; stressed the Mayor had a right to bring forth a budget of his own making and that Council could then do its due diligence and then do whatever they wanted with it; expressed concern with President Boyajian's appointment of two freshmen members to negotiate; and stated he opposed the motion as he was opposed to the whole process of having any kind of advisory committee.

Upon question of City Manager Hobbs and President Boyajian, City Attorney Montoy clarified if the proposal was to establish a limited purpose/limited time period committee to study issues and bring those issues back to Council for discussion it could be an ad hoc advisory committee not subject to the Brown Act, but if it was being created as a standing committee with members developing consensus or negotiating it would be subject to the Brown Act with agendas.

President Perea stated he was very supportive of the committee as in the past; stated the committee concept was O.K. when Councilmembers Calhoun and Duncan were on it last year but now he was hearing there was "something shady" and he was offended by comments relative to deals being cut and violations of the Brown Act, and made a motion to establish the three member committee as recommended by President Boyajian. Upon the request of Ms. Montoy President Boyajian clarified this would be an ad hoc/study group committee with a limited time period **(8 - 0)** to talk with the Mayor and staff, with Ms. Montoy cautioning about obtaining consensus. Councilmember Sterling spoke to the issue, the needs of her district, and in support of the recommended appointments stating Councilmembers Dages and Perea also dealt with inner-city issues. Councilmember Duncan clarified he supported a committee but he just wanted an open process as the budget is developed.

On motion of President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, Councilmembers Dages, Perea and President Boyajian appointed to the FY 2004 Ad Hoc Council Budget Committee for a limited time period to study budget issues and report back to Council, by the following vote:

Ayes :	Castillo, Dages, Perea, Sterling, Boyajian
Noes :	Calhoun, Duncan
Absent :	None

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UNSCHEDULED CITY COUNCIL AND REDEVELOPMENT AGENCY ORAL COMMUNICATIONS:

APPEARANCE BY BARBARA HUNT REGARDING AGENCY BY-LAWS, STADIUM OWNERSHIP, AND SOUTH EAST AND SOUTH WEST FRESNO STREET DESIGNATIONS AND BOUNDARIES

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Appearance made.

APPEARANCE BY GLORIA TORREZ REITERATING HER REQUEST TO CORRECT HER COMMENTS MADE AT THE JANUARY 6, 2003, COUNCIL MEETING, AND FOR A COPY OF THE EMERGENCY PREPAREDNESS PLAN INVOLVING POLICE, FIRE, AND TRANSIT

Appearance made with City Manager Hobbs and City Clerk Klisch responding. Upon request of President Boyajian, staff

stated the minutes would be corrected.

ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:53 p.m. having arrived and hearing no objection, President Boyajian declared the meeting adjourned.

APPROVED on the 8th day of April, 2003.

Tom Boyajian, Council President

ATTEST: _____
Yolanda Salazar, Assistant City Clerk